IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.42 OF 2002

Mrs.Snehal Sidhrudh Nimbale — Petitioner

vs.

State of Maharashtra & ors. — Respondents

Mr.R.K.Mendadkar with Ms.Helen Koli-Mandlik for the petitioner.

Mr.Vineet Naik for the respondent no.3.

CORAM : R. M. LODHA &
R. S. MOHITE,JJ.

DATED : 13th April 2005

P.C.

Heard Mr.R.K.Mendadkar, the learned counsel for the petitioner and Mr.Vineet Naik, the learned counsel for the respondent no.3.

2. The petitioner has challenged the show cause notice dated 9th October 2001 issued by the Solapur Municipal Corporation. By the said notice, the recovery of an amount of Rs.88033/- that was withdrawn by the petitioner towards honorarium and meeting allowance during the period from 26.02.1997 to 09.07.2001 as a member of Solapur Municipal Corporation elected from reserved category of special backward class is sought to be made. The recovery of the aforesaid amount is being

made because the petitioner's caste certificate of special backward class has been invalidated by the Scrutiny Committee vide order dated 30th November 2000 and the petitioner's membership to Solapur Municipal Corporation was cancelled with retrospective effect by the Commissioner.

3. The petitioner has submitted his reply to the show cause notice on 18th October 2001. Interalia the plea has been set up that the correctness of the order of the Scrutiny Committee is subjudice before this Court in Writ Petition No.3435/2001.

4. Mr.Vineet Naik, the learned counsel for the respondent no.3 submits that decision on the show cause notice is yet to be taken.

5. In our considered view, the diverse contentions raised by the petitioner need not be examined by us and the interest of justice shall be subserved if the Commissioner of Solapur Municipal Corporation takes decision in respect of the show cause notice dated 9th October 2001 after taking into consideration the petitioner's reply dated 18th October 2001 and hearing the petitioner in the matter. The order so passed by the Commissioner shall be the speaking order. The petitioner shall be at liberty to challenge the order of

the Commissioner if aggrieved. We order accordingly.

6. Writ petition is disposed of accordingly.

(R.M. LODHA,J.)

(R.S. MOHITE,J.)